

REMARKS

Claims 1 – 3, 5 – 10, 12 – 21, and 23 – 27 have been examined and stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 6,097,859 (“Solgaard”).

1. Claims 1 – 3, 5 – 10, 12 – 21, 23, and 24

The rejections of Claims 1 – 3, 5 – 10, 12 – 21, 23, and 24 are respectfully traversed. Applicants respectfully disagree with the assertion in the Office Action that Solgaard discloses that “at least two of the outputs (24a, 24b) lie in different parallel planes, each different plane being orthogonal to the path along which the optical signal can be received” (Office Action, p. 2, emphasis added). Notwithstanding this assertion, it is believed from the “Response to Arguments” that the Office Action has not fully considered the underlined portion of the statement, which is reflected by limitations in all the independent claims, i.e. in Claims 1, 8, and 15. The output ports 24 shown in Fig. 1 of Solgaard receive light along paths directed downwards and within the page. Of planes orthogonal to these paths, all the output ports are shown to lie in the same plane.

It is thus believed that the combination of limitations in independent Claims 1, 8 and 15 requiring that “at least two of the output ports lie in different planes” and that “each such plane [is] orthogonal to a path along which the optical signal may be received by one of the output ports” does embody the lengthwise staggering that the Office Action indicates has not been examined (Office Action, p. 4). It is accordingly respectfully believed that the finality of the Office Action is premature and should be withdrawn so that the combination may be examined. MPEP 706.07(d).

2. Claims 25 – 27

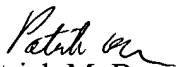
Claim 25 has been amended to recite that the input port lies outside the common plane in which output ports lie, and which is defined in the claim as orthogonal to the input path (*see* Application, Fig. 4(b)). As such, amended Claim 25 also embodies the lengthwise staggering, which is not taught or suggested by Solgaard. In particular, of planes that are orthogonal to an input path, Fig. 1 of Solgaard shows only configurations in which the input ports of fibers 14 lie in a common plane with the output ports of fibers 24.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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